

REMARKS/ARGUMENTS

Claims 1-9 and 11-15 are pending and stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smether (US 6,463,304) in view of Morishima (US 2002/0081997 A1). Applicants respectfully traverse the rejection.

In response to the rejections of Claims 1, 12 and 13, Applicants state that the invention relates to a browser suitable for a mobile telecommunication device. The operation of one of the soft keys of the device actuates a function to access previously visited pages. By operating the key with a short press, the first mode of claim 1, the browser displays the last visited page. By operating the key with a long press, the second mode of claim 1, the browser displays a list of previously visited pages such that the user can select the desired page and navigate thereto.

Smethers discloses a mobile communication device with a graphical user interface. Different applications resident on the device (the launch screens of which appears to be considered by the Examiner to map onto the previously visited pages of claim 1) can be navigated to by using a navigation key to select an icon from a list of icons on a main start screen. The main start screen, listing the applications (which appears to be considered by the Examiner to map onto the display of previously visited pages of claim 1) can be displayed at any time by pressing a special key, “the Rocker Key”.

In the August 3, 2006 Office Action, the Examiner admits that Smethers does not disclose the feature of claim 1 of an individual key operable in a first mode and in a second mode, as required by claim 1. To support the rejection, the Examiner argues that this feature is obvious over Morishima, since Morishima teaches the operator switching to a previous display page by pressing one single key.

In more detail, Morishima discloses using a mode-switching key to switch between a screen showing a web page and a screen for sending emails. Applicants disagree that the feature of claim 1 of an individual key operable in a first mode and a second mode is obvious in view of this disclosure of Morishima.

Starting from the disclosure of Smethers, if a skilled person wanted to modify the system of Smethers such that only a single key press was needed to navigate between different applications, an obvious modification would be to use a new key to which no functionality had previously been assigned to implement the mode switching key feature of Morishima. The Rocker Key is already used to trigger the display of the main start screen. Therefore, the Rocker Key would not be used to implement the new functionality taught by Morishima.

Claim 1 requires that “an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being operable in a second mode comprising a second user depression sequence pattern of said individual key to provide a display of previously visited pages whereby to permit the user to select a page from the display of previously visited pages.” As discussed above, an obvious modification of Smethers in view of Morishima would not lead to the same key, the Rocker Key, being used to implement both functionalities.

Additionally, if for some reason the Rocker Key was used to implement both functionalities (which it would not be), i.e. the functionality triggering the display of the start screen and the mode switching key functionality of Morishima, the system would not work without a skilled person exercising his inventive skill, because neither Smethers nor Morishima suggest how to distinguish between different functions implemented using the same key. For example, if a user was in the browser mode of operation in the system of Smethers and the Rocker Key was pressed, the control software of the user interface would not know whether the user meant to go to the main start page (display of previously visited pages) or to another application (previously visited page) as taught by Morishima. Therefore, modifying Smethers in view of Morishima to use the same key to provide both functionalities required by claim 1 would result in a non-functioning system.

The reason the system according to the invention works is that different depression sequence patterns of the key are used to indicate which function is desired by the user. This feature is not disclosed in either Smethers or Morishima.

Therefore, for at least the above reason, Claim 1 is allowable over the combination of Smethers and Morishima. For the same reason, independent Claims 12 and 13 are also allowable. Defendant Claims 2-9, 11, 14 and 15 are allowable for at least the same reason as the independent Claims 1, 12 and 13, from which they ultimately depend.

In addition to the reason noted above, independent Claim 12 is allowable for at least one additional reason. Independent Claim 13 recites the feature of “operating the individual key in a second mode to provide a display of previously visited homepages.” Smethers does not disclose the feature as recited in claim 12. “Homepages” is a term of art, which would not be understood by the person skilled to encompass a start page for selecting applications resident in a device.

In addition to the reason noted above, independent Claim 13 is allowable for at least one additional reason. Independent Claim 13 recites the feature of a key “operable in a first mode to navigate between previously visited network addresses and operable in a second mode to provide a display of previously visited homepages.” Smethers does not disclose the feature as recited in claim 13. In addition to the absence of the disclosure of “homepages” by Smethers as discussed above, a launch screen for a resident application of a device would not be considered by the skilled person to be a network address.

In addition to the reason noted above, defendant Claim 4 is allowable for at least one additional reason. Dependent Claim 4 recites the feature of “the first and second modes are selected by operating said individual key for relatively shorter and longer periods respectively.” Nowhere in Smethers is there any disclosure that could be interpreted to anticipate the feature of claim 4 of selecting the first and the second modes by “operating said individual key for relatively shorter and longer periods respectively.” The portion of Smethers referenced by the Examiner as disclosing the feature of claim 4 provides a description of the location of icons in a circle by referring to the position of hands of a clock at different times. Applicant cannot see how the

Examiner can construe this disclosure as anticipating the feature of selecting the first and the second modes by operating said individual key for relatively shorter and longer periods respectively.

For these reasons, allowance is respectfully solicited.

Respectfully submitted,

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